

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Discovery Room, Kona Hilton Hotel  
Kailua, Kona, Hawaii

June 12, 1970 - 1:00 p.m.

*Approved 9-11-70*

Commissioners Present: Wilbert Choi, Chairman  
Goro Inaba, Vice-Chairman  
Alexander Napier  
Eddie Tangen  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

Commissioners Absent: Shelley Mark  
Sunao Kido

Staff Present: Ramon Duran, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Legal Counsel  
Jean Soma, Stenographer

All those wishing to testify before the Commission were sworn in by Chairman Choi.

Adoption of Minutes

Minutes of the January 9, 1970, meeting were approved as circulated to the Commission membership.

HEARINGS

PETITION BY THE LAND USE COMMISSION (A70-248) TO REZONE 94 ACRES FROM CONSERVATION TO URBAN AND 1 ACRE FROM URBAN TO CONSERVATION AT HONOKOHAU AND KEAHUOLU, NORTH KONA, HAWAII

The Executive Officer presented a detailed description of the area under consideration and read the staff report recommending approval of the reclassification as initiated. Upon questioning by the Commission, he confirmed that an

June 12, 1970

inventory of all the archaeological sites in the area had been prepared by the Bishop Museum and is on file.

Mr. Donald Tong of the Hawaii County Planning staff, testified that the Hawaii County Planning Commission's recommendation for deferral of the request was based on the water situation and not on its lack of conformity to the County's General Plan. He confirmed that the General Plan designates most of the area for park but that the General Plan is being reviewed presently and that the draft form should be completed by August.

Mr. George Lip, representing the developers of Honokohau resort, was questioned by the Executive Officer regarding his feelings on the park proposed by the County. He indicated that the developer's original plan had included the waterfront, fishpond, and historic areas as park areas but that the boundaries differed from the County's in that the delineation followed the contours of the areas suitable for park use and not a direct line as shown on the County's General Plan.

Mr. Alan Tyler, speaking as a conservationist, requested that a decision on this matter be delayed pending the updating of the General Plan since there is an abundance of urban-zoned lands in Kona. Chairman Choi reminded him that action cannot be taken until 45-90 days after the public hearing and that the property owners should not be penalized for their cooperation in waiting for the archaeological study to be completed.

Upon questioning by the Executive Officer, Mr. Lip stated that the golf course and beach areas will be open to the public. Mr. Gill Beach, a member of the Honokohau Community Association, stated that he was also in agreement with the Greenwell family that there will be public access to the property. Mr. Francis Foo, Kona resident, stated that Honokohau has one of the best surfing grounds in Hawaii. The Chairman noted that the shoreline area is protected by the Conservation zone.

Since there was no further testimony, the Chairman announced that evidence would be received during the next 15 days; and, the hearing on this matter was closed.

June 12, 1970

PETITION BY SHUZO IKENO, SANJI IKENO & MASAICHI KIMOTO  
(A70-252) TO REZONE 9.18 ACRES FROM AGRICULTURAL TO URBAN AT  
KEOPUKA (Mauka), SOUTH KONA, HAWAII

Mr. Leong, staff planner, oriented the Commission on the location of the property under consideration and presented the staff report recommending approval of the request.

Mr. Donald Tong, Hawaii County Planning Department staff member, testified that approximately 45 percent of the subject property is designated medium density residential and 55 percent agriculture under the County's General Plan.

A local resident, William Kawahara, questioned the staff regarding the moratorium imposed by the County and asked for a clarification of the performance provisions in the regulations. Mr. Leong replied that a development schedule was requested for the five-year period in order to assure the Commission that development will be substantially performed on the property. It would not necessarily imply a completed development but a substantially completed development. He also felt that the County's moratorium on development due to the lack of water would be lifted in about four months.

There being no further testimony, the Chairman stated the Land Use Commission would receive additional evidence during the next 15 days and closed the hearing.

#### ACTION

PETITION BY PUKOO PROPERTIES, INC., KEONI APEKA HOLDINGS, INC.,  
AND SHELL PACIFIC PROPERTIES, INC. (A70-242) TO REZONE 39  
ACRES FROM RURAL AND CONSERVATION TO URBAN AT PUKOO, MOLOKAI

The Executive Officer proceeded to read the staff memorandum for action on this matter but was requested by Chairman Choi to present only the highlights. Mr. Francis Izumi, attorney for the petitioners, added his concurrence to the suggestion from the Chair and requested that the reading of the memo be dispensed with as he would rebut each point in the report. The Chairman's suggestion that only the staff's recommendation be presented was concurred by the Commission.

The Executive Officer then summarized the staff's reasons for recommending denial of the boundary change and reiterated that the petitioners should seek a special permit through the Land Use Commission and the Land Board in order

June 12, 1970

to establish the proposed use. This would guarantee that the resort will be developed as represented and avoid the possibility of land speculation and spot zoning.

Commissioner Sakahashi questioned whether all such properties in the Agricultural District should be processed under special permits rather than rezoning. The Executive Officer replied that in cases where a resort development is requested next to an existing Urban District, then the logical procedure would be a boundary change. However, in such cases as the one being considered, where the Urban District is 1½ miles away, a special permit procedure is desirable similar to the special permit approved by the Land Use Commission last month on the Ah Ping property just a few parcels away from the property under consideration.

Mr. Howard Nakamura, Maui Planning Director, stated that in recommending approval of the petition, the Maui Planning Commission felt a need to encourage further development on Molokai. The Maui General Plan designated three major resort areas on Molokai, one of which encompassed the Pukoo-Keawanui area. He added that the water source is adequate to accommodate the proposed development. In regard to the 4-6 inch transmission lines, funds have been appropriated to upgrade the system by the legislature. The previous appropriation was \$75,000 and the most recent amounted to \$250,000.

Commissioner Tangen asked what the County's feeling would be if the entire area around Pukoo were to be urbanized. Mr. Nakamura stated that it would conform to the Maui General Plan and that if the utilities, especially water, were improved it could be urbanized.

Attorney Francis Izumi stated that the staff's use of the term "spot zoning" is a legal term; and, as applied in the instant case, is invalid since it is in accordance with a well considered plan. He stated that the Molokai General Plan which was finally adopted last year after the consideration and study for 9 or 10 years, is unquestionably a well considered plan, and one <sup>with</sup> which the proposed development is in accord. He objected to the implication that his clients were speculators and reminded the Commission that the proposed development had the support of the County as well as many old-time residents of Molokai.

Mr. George Lip of Harris, Kerr, Forster & Company, economic consultant to the petitioners, presented an account

June 12, 1970

of the methodology used in arriving at the statistics presented in support of the petition. However, questioned by the Executive Officer regarding the condominium units, Mr. Lip stated that he was not prepared to comment and referred the question to Mr. Hamilton.

Mr. Gerald Hamilton, representing the petitioners, again presented the colored rendering of the proposed Pukoo Point Resort Complex originally presented at the public hearing and stated that the plan has been reduced to 25 units per acre. He reiterated many of the points brought out at the public hearing of March 25. However, he added that due to the failure of a resort venture in Mexico, the list of prospects for condominium buyers may now be switched over to its Molokai venture. He also reiterated that the Reid Properties group are people who have bought land and have built buildings in almost every case. Moreover, money for the development has been committed; and, the three-months delay involved in processing a special permit would jeopardize the commitment. He continued that the list of 144 persons interested in buying the Mexican condominiums are mostly from Canada and that most of them want a place of their own. They do not necessarily look to it as an investment. He stated that Dr. Wong, one of his local partners, can dispose of another 100 condominium units handily and that the doctor's associates and their two lawyer partners could dispose of another 100 units. He stated "it's not going to be difficult at all". Regarding the two hotel sites, discussions have been held with Inter-Island Resorts, Canadian Pacific Airlines and others. Regarding dredging of the lagoon, Mr. Hamilton stated that care will be exercised to minimize the damage to marine life and ecology in the area.

Commissioner Tangen then asked the following question: "Is it your intention that you will develop this property as you outlined here and you have no intention of, by reason of Urban zoning, to be able to sell parcels of this property off to people at greater profit than you would be able to now?"

Mr. Hamilton answered in the affirmative but asked that he be permitted to make a proviso. If a hotel chain does not want a joint venture, the petitioners should be free to accommodate them since the hotel development would act as a "draw" for the rest of the development. He stated that the petitioners will start on the condominium units themselves.

June 12, 1970

Commissioner Tangen stated that the staff's report does not necessarily reflect the attitude or the opinion of the Commission or the people of Hawaii. In reference to the Travel Industry Congress Objective #5 of which he was the author, the 40 fishponds on Molokai may reflect the image of that island. However, he saw no point in preserving a pond that is in disrepair and of no great value; therefore, he is in favor of utilizing the fishpond in the manner proposed by the petitioners. Commissioner Tangen stated that the same thing would be accomplished under either a boundary change or a special permit.

The Chairman asked for further questions. There being none, he asked for a motion.

Commissioner Yamamura moved for approval of the petition as recommended by the Molokai Advisory Council and the Maui Planning Commission. The motion was seconded by Commissioner Sakahashi and carried. Commissioner Wung cast the only dissenting vote.

SPECIAL PERMIT APPLICATION BY COUNTY OF MAUI (SP70-76) TO  
CONSTRUCT AND OPERATE A FIRE STATION AT PUKALANI, MAUI

Mr. Duran referred to the maps and gave a detailed description of the subject area and presented the staff memorandum recommending disapproval of the request to establish a fire station on the site proposed by the County. He suggested several alternate sites in the near vicinity which would not tend to lead to urbanization pressures such as the site selected.

The Chairman then called on Mr. Howard Nakamura, Maui Planning Director, for the County's viewpoint. Mr. Nakamura stated that a need for the proposed facility exists in the particular area and that the proposed site was chosen after due consideration to traffic problems, water availability, and compatibility to other uses. He did not feel that a fire station would serve as a nucleus for an urban complex. Commissioner Tangen commented that the staff's report for denial was very illogical and he and Commissioner Yamamura supported the thinking of the Maui Planning Director.

Commissioner Yamamura moved that the special permit be granted and was seconded by Commissioner Inaba. The motion was unanimously carried.

June 12, 1970

PETITION BY MASAJI SAKAMOTO, YUKIO YAMAMOTO & IWAO JYO  
(A70-245) TO REZONE 3.87 ACRES FROM AGRICULTURAL TO URBAN AT  
KALAMAKUMU, SOUTH KONA, HAWAII

Mr. Leong presented a brief description of the area and read the staff memorandum again recommending denial of the petition. He then summarized the contents of three letters submitted by the petitioner after the staff memo was written and added that the staff's recommendation was unaltered.

Mr. Donald Tong of the Hawaii County Planning staff confirmed that the Kona water situation has not changed and that the building moratorium is still in effect.

Mr. Iwao Jyo, petitioner, pointed out several subdivisions in the vicinity which he helped to develop and asked that the present request be given favorable consideration. The Chairman asked whether Mr. Jyo would like to defer action on his petition until the Kona water situation is clarified. Mr. Jyo agreed to the suggestion.

Commissioner Tangen's motion to accept the request for deferment was seconded by Commissioner Napier and was unanimously carried.

PETITION BY PETER T. HIRATA (A70-244) TO REZONE 1.2 ACRES  
FROM AGRICULTURAL TO URBAN AT KEOPUKA, SOUTH KONA, HAWAII

Commissioner Inaba suggested that this petition also be deferred since the petitioner was not present and the water situation would also apply to this request.

The Executive Officer recalled that a similar request was received in the past for the abutting parcel in which the County had recommended approval.

Mr. Tong noted that the County's recommendation for deferment in the present case was based on the recommendation of the Water Department. He further noted that approval of the request would give the petitioner more lead time to develop the three houselots.

Commissioner Inaba moved that the petition be approved as requested. The motion was seconded by Commissioner Tangen and carried unanimously.

June 12, 1970

SPECIAL PERMIT APPLICATION BY SAMUEL K. SHIMIZU (SP70-78)  
TO ALLOW EXPANSION OF EXISTING STORE AT HONAUNAU, SOUTH KONA,  
HAWAII

The staff planner oriented the Commission on the location of the parcel under consideration and at the request of the Chairman, presented only the staff recommendation which was to approve the special permit subject to the conditions imposed by the County.

Commissioner Sakahashi moved that staff recommendation be accepted and was seconded by Commissioner Inaba. The motion was unanimously carried.

SPECIAL PERMIT APPLICATION BY YAMADA & SONS, INC. (SP70-79)  
TO ALLOW THE REMOVAL OF CINDER MATERIAL FROM A FORMER QUARRY  
SITE AT KEOKEA, SOUTH KONA, HAWAII

Mr. Leong delivered the staff report and called the Commission's attention to the stipulations imposed by Hawaii County should the petition be approved by the Land Use Commission.

In response to the Executive Officer's question, Mr. Tong of the Hawaii Planning staff stated that the contract for removal of cinder material terminates in December. Mr. Duran stated that the special permit would then automatically expire at the end of December.

Commissioner Napier moved for approval of the special permit as recommended by staff and was seconded by Commissioner Tangen. The motion was unanimously carried.

Urban Planning Symposium

The Executive Officer reminded the Commission of the Urban Planning Symposium to be held at the Queen Kapiolani Hotel, Honolulu, Hawaii, on Monday (June 15) and Tuesday (June 16).

Tentative Schedule

Mr. Duran informed that the next meeting of the Land Use Commission is scheduled for August 1, 1970, 7 p.m., Lahaina, Maui, to review the rezoning petition submitted by Maui Land & Pineapple Company, Limited.



June 12, 1970

Status of Vacant Urban Land on Oahu - 1970

Chairman Choi apprised Commissioner Tangen of the subject at hand by stating that inquiries were sent to landowners (specifically, James Pfleuger, Atherton Richards, and Hawaiian Land Company) to determine the disposition of their vacant land located in the State's Urban District (said properties were previously zoned Conservation). Subsequently, Commissioner Tangen moved that unless a definite development plan is received from each within the next 90 days, the Commission will redesignate these properties to the former classification, that of Conservation. This motion was seconded by Commissioner Inaba and carried by six votes. An abstention was announced by Commissioner Napier. It was also agreed that the three property owners would be notified of the Commission's action.

Request for Declaratory Ruling - Marvin Boudreau

Mr. Duran, Executive Officer, informed the Commission of a request for a declaratory ruling from Mr. Marvin Boudreau.

In summarizing the memorandum circulated to the Commissioners, Mr. Duran stated staff recommended that dog kennels should be a permitted use in the Agricultural District. The consultants (EDAW) were also of this opinion and submitted a letter recommendation to this effect.

At this time Commissioner Tangen moved that action be deferred on this matter pending a legal opinion from the Attorney General's office.

Action to Initiate Rezoning of Pukoo Area by LUC

Commissioner Tangen moved that the Commission initiate the proceedings to amend the zoning for the area makai of the highway beginning with the Ah Ping property down to Ualapue from the Rural District to the Urban District. Motion was seconded by Commissioner Inaba, and the Commissioners were polled as follows:

Ayes: Commissioners Yamamura, Napier, Tangen, Inaba, and Chairman Choi;

Nays: Commissioners Sakahashi and Wung.